

REMARKS

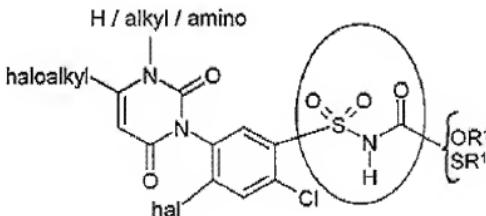
Applicants respectfully request reconsideration and withdrawal of the outstanding Office Action rejections in view of the foregoing amendments and following remarks.

Claims 16, 17, and 23 have been amended to put the application in better condition for allowance. Applicants submit that all of the presently claimed subject matter has been previously examined and no new search is necessary. No new matter has been added.

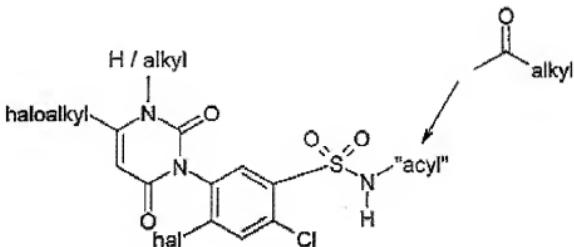
Response to Rejections under 35 U.S.C. §103

Claims 16-19 and 22-23 were rejected under 35 U.S.C. §103(a) as being obvious over Strunk (U.S. 5,169,430). The Examiner asserts that although the compound of Strunk differs from the instant application at the N-Y- position, an artisan of ordinary skill in the art would be motivated to extend the N-Y- position by one -CH₂ group for a herbicidal use for controlling weeds as disclosed by Strunk.

Applicants submit that claim 16 has been amended to further limit the claimed compound so that X¹ is halogen and X³ is hydrogen. The amendment to R¹ is made only to correct a typographical error. Thus, the presently claimed compound has the following structure:



The side chain in meta position of the uracil ring, the group $\text{SO}_2\text{-NH-CO-O/S-R}^1$, i.e. sulfonyl amino carbonyl, is characteristic of the presently claimed compounds. Accordingly, the closest structure in Strunk also having a "sulfonyl amino carbonyl" pattern is:



In the previously submitted Rule 132 declaration executed by named co-inventor Dr. Robert Reinhard, Dr. Reinhard provided 4 examples comparing the unwanted plant damaging effects of the presently claimed compound with the compounds of Strunk et al. (US 5,169,430). The test data clearly demonstrate that in a head-to-head comparison of the presently claimed compound with the closest examples from Strunk (see compound A, i.e. compound 40 of Strunk, and compound B, i.e. compound 67 of Strunk), the presently claimed compounds are exceedingly superior. The experimental results clearly indicate that the replacement of the alkylcarbonyl-amino S-O side chain of Strunk by an alkoxycarbonyl-amino S-O side chain results in a significantly superior herbicidal activity compared to the compounds known from Strunk et al. Clearly, the alkoxy side chain of presently claimed compounds produces compounds which are generally similar structurally, but have significantly dissimilar and unexpected properties in practice. Thus, the presently claimed compounds would not have been

expected based on the teachings of the art of record and thus the claims are not rendered obvious by the art cited in the Office Action. Applicants therefore respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a).

Conclusions

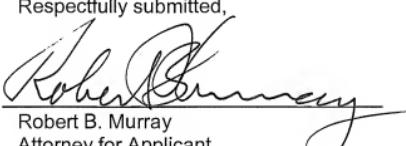
Applicants submit that claims 16, 17, and 23 have only been amended to further limit the claims or to correct subject matter that had been mistakenly deleted previously. Applicants submit that all of the subject matter presently recited in the claims has been previously examined and, thus, no new search is required. Therefore, entry and favorable examination of the above claims is respectfully requested.

In view of the above remarks, claim amendments, and previously submitted evidence of unexpected and surprising results, Applicants believe that the rejections set forth in the January 2, 2009 Office Action have been fully overcome and that the present claims fully satisfy the patent statutes. Applicants therefore believe that the application is in condition for allowance.

The Examiner is invited to telephone the undersigned if it is deemed to expedite allowance of the application.

Respectfully submitted,

By



Robert B. Murray
Attorney for Applicant
Registration No. 22,980
ROTHWELL, FIGG, ERNST & MANBECK
1425 K. Street, Suite 800
Washington, D.C. 20005
Telephone: (202) 783-6040